

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ZACKARIA JULY CRAWFORD,

Defendant.

CR 13-111-GF-BMM-01

**FINDINGS AND
RECOMMENDATIONS TO
REVOKE DEFENDANT'S
SUPERVISED RELEASE**

I. Synopsis

The United States accused Mr. Crawford of violating the terms of his supervised release by (1) failing to attend substance abuse testing, (2) providing a diluted urine sample, and (3) failing to notify his probation officer of a change in his employment. Mr. Crawford admitted to the allegations. His supervised release should be revoked, and he should be sentenced to three months in custody, with thirty-three months of supervised release to follow. His supervised release should include a mental health evaluation.

II. Status

On March 14, 2014, United States District Court Judge Brian Morris accepted Mr. Crawford's plead of guilty to the crime of Strangulation. (Doc. 24.) Judge Morris sentenced Mr. Crawford to 30 months of incarceration, followed by three years of supervised release. (Doc. 29.) Mr. Crawford's term of supervised release began on November 13, 2015. (Doc. 35.)

On November 24, 2015, Mr. Crawford's supervised release was suspended so that Mr. Crawford could participate in the Job Corps Program at Kicking Horse Job Corps in Kalispell, Montana. (Doc. 33.) However, Mr. Crawford could not enter the Jobs Corps Program.

On April 5, 2016, the United States Probation Office filed a Report on Offender under Supervision, notifying the Court that Mr. Crawford had used marijuana. (Doc. 34.)

On May 18, 2016, The Probation Office filed a Petition for Warrant for Offender Under Supervision addressing Mr. Crawford's termination from the Great Falls Prerelease Center, failure to report for substance abuse testing, and consumption of alcohol. (Doc. 35.) The Court dismissed the Petition, and he resumed his supervised release. (Doc. 45.)

On October 13, 2016, the Probation Office filed a Report on Offender Under Supervision addressing Mr. Crawford's use of marijuana. (Doc. 46.) The Court

allowed him to continue his supervised release and order him to complete inpatient treatment at Crystal Creek. He successfully completed treatment on November 14, 2016.

Petition

On January 26, 2017, the Probation Office filed a petition asking the Court to revoke Mr. Crawford's supervised release accusing him of violating the terms of his supervised release by (1) failing to attend substance abuse testing, (2) providing a diluted urine sample, and (3) failing to notify his probation officer of a change in his employment. (Doc. 47.) Based on the petition, Judge Morris issued a warrant for Mr. Crawford's arrest. (Doc. 48.)

Initial appearance

Mr. Crawford appeared before the undersigned on February 1, 2016, in Great Falls, Montana. Federal Defender Henry Branon accompanied him at the initial appearance. Assistant United States Attorney Bryan Dake represented the United States.

Mr. Crawford said he had read the petition and understood the allegations. Mr. Crawford waived the preliminary hearing, and the parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

Mr. Crawford admitted to violating the conditions of his supervised release.

The Court found that the violations were serious and warranted the revocation of his supervised release.

Mr. Crawford's violation grade is Grade C, his criminal history category is I, and his underlying offense is a Class C felony. He could be sentenced to up to twenty-four months of custody. He could be ordered to remain on supervised release for thirty-six months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

Mr. Brandom recommend a sentence at the low-end of the guideline. Mr. Crawford exercised his right of allocution and stated that he lost sight of the big picture and started using marijuana again. Mr. Dake recommended a sentence at the low-end of the guideline.

III. Analysis

Mr. Crawford's supervised release should be revoked because he admitted to violating its conditions. His supervised release should be revoked, and he should be sentenced to three months in custody, with thirty-three months of supervised release to follow. His supervised release should include a mental health evaluation.

IV. Conclusion

The Court informed Mr. Crawford that the above sentence will be recommended to Judge Morris. Mr. Crawford has the right to object to these Findings and Recommendations within 14 days of their issuance. Judge Morris

would consider Mr. Crawford's objection, if it is filed within the allotted time, before making a final determination on whether to revoke Mr. Crawford's supervised release and what, if any, sanction to impose.

The Court FINDS:

Zackaria July Crawford violated the conditions of his supervised release by (1) failing to attend substance abuse testing, (2) providing a diluted urine sample, and (3) failing to notify his probation officer of a change in his employment.

The Court RECOMMENDS:

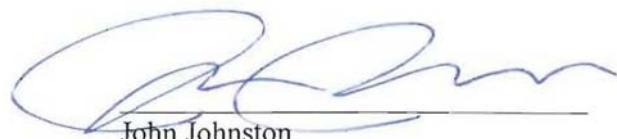
The district court should enter the attached Judgment, revoking Mr. Crawford's supervised release and sentencing him to three months in custody, with thirty-three months of supervised release to follow. His supervised release should include a mental health evaluation.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written

objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

Dated the 8th day of February 2017.



John Johnston
United States Magistrate Judge